

**Exhibit 1**

**Farmer, Trisha**

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**From:** Infante, Joseph M. [infante@millercanfield.com]  
**Sent:** Wednesday, April 11, 2012 11:40 AM  
**To:** Farmer, Trisha; Gaffin, Richard A.  
**Subject:** RE: Mersen v. Graphite

Ms. Farmer

We are unable to stipulate to allow the amendment. The account stated statute is clear that a countervailing affidavit must accompany the answer. Thus, any amendment by your client would be futile and would only serve to increase costs on both sides. Please feel free to contact me if you have any further questions.

Joe

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**From:** Farmer, Trisha [mailto:tfarmer@swlaw.com]  
**Sent:** Wednesday, April 11, 2012 11:43 AM  
**To:** Infante, Joseph M.; Gaffin, Richard A.  
**Subject:** Mersen v. Graphite

Good morning Mr. Infante and Mr. Gaffin,

Snell & Wilmer represents Graphite Machining Services in the above referenced matter and will be entering a notice of appearance in the case shortly. Graphite intends to amend its answer to Mersen's complaint. Will you stipulate to the amendment? The proposed amended complaint is attached. Paragraph 49 is the only change that has been made and an affidavit, as referenced in paragraph 49, will also be attached to the amended answer. Please let me know, as we will move to amend if you are not agreeable to the stipulation. See *Wade v. Knoxville Utilities Bd.*, 259 F.3d 452, 458 (6th Cir. 2001) ("leave to amend a pleading shall be freely given"); Fed. R. Civ. P. 15(a). Thank you in advance for your prompt attention and professionalism.

**Trisha Farmer**  
**SNELL & WILMER L.L.P.**  
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